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17 UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA
19 ORACLE USA, INC., et al.,
20 Plaintiffs,
21 v.
22 RIMINI STREET, INC., et al.,
23 Defendants.

CASE NO. 2:10-cv-00106-LRH-VCF

**RIMINI STREET, INC.'S
MEMORANDUM IN SUPPORT OF
ORACLE'S MOTION TO SEAL
PORTIONS OF ORACLE'S REPLY
IN SUPPORT OF ITS MOTION FOR
SANCTIONS AND SUPPORTING
DOCUMENTS [ECF NO. 1378]**

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant Rimini Street, Inc. (“Rimini”) submits this Memorandum of Points and Authorities in support of Oracle’s Motion to Seal Portions of Oracle’s Reply in Support of Its Motion for Sanctions Pursuant to Rule 37 and Supporting Documents. *See* ECF No. 1378. Oracle sought to seal portions of Oracle’s Reply and Exhibit A to the Supplemental Declaration of Sean P. Rodriguez (“Rodriguez Declaration”). Rimini agrees that those documents should be sealed and submits this Memorandum in support thereof.

Those documents include information Rimini has designated “Highly Confidential Information – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, ECF No. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure. Good cause exists to seal the documents because they contain highly confidential information about Rimini’s proprietary processes. This Court has regularly granted motions to file under seal similar information, both in *Rimini I* and *Rimini II*. *See, e.g.*, ECF Nos. 226, 325, 518, 904, 990, 1107, 1228, 1250, 1261; *see also Rimini II*, No. 14-CV-1699-LRH-DJA (D. Nev.), ECF Nos. 127, 137, 222, 280–282, 287, 333–334, 371, 391, 434–436, 602, 625–628, 760–768, 836–849, 1122, 1191.

I. ARGUMENT

Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, *inter alia*, the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c). Rimini has designated as confidential certain documents and information filed in support of Oracle’s Reply because they contain confidential information about Rimini’s proprietary processes. Specifically, Rimini moves to seal proprietary information regarding the ways in which Rimini provides services to its clients and runs its business operations. This information is reflected in portions of Oracle’s Reply and in Exhibit A to the Rodriguez Declaration.

Exhibit A contains testimony regarding the specific operation of one of Rimini's proprietary tools and how Rimini provides services to its clients. Exhibit A was designated

1 highly confidential by Rimini. Portions of Exhibit A are reflected in Oracle's Reply. In
 2 addition, Oracle's Reply contains other commercially sensitive information regarding the
 3 operation of Rimini's proprietary tools and business processes and quotes or paraphrases
 4 information from exhibits that are subject to Rimini's Motion to Seal (ECF No. 1373). Rimini
 5 likewise designated this information highly confidential under the Protective Order, and
 6 disclosure of this information would cause competitive harm to Rimini.

7 Under the Protective Order, "all non-public information" regarding "business plans" or
 8 "proprietary technical information and specifications" are properly designated confidential, and
 9 "extremely sensitive . . . non-public information" including trade secrets are properly
 10 designated as highly confidential. Disclosure of this information, whether in Exhibit A itself
 11 or in Oracle's Reply, would advantage Rimini's competitors, disclosing trade secrets that would
 12 allow Rimini's competitors to adopt methods that have made Rimini successful, and more easily
 13 allow them to compete in the third-party software service marketplace. *See Hologram USA,*
 14 *Inc. v. Pulse Evolution Corp.*, No. 14-CV-772, 2015 WL 105793, at *2 (D. Nev. Jan. 7, 2015)
 15 (granting motion to seal where documents "contain[ed] information that could injure Plaintiffs'
 16 competitive posture in the ... industry"); *Spectrum Pharm. Inc. v. Sandoz Inc.*, No. 12-CV-111,
 17 2014 WL 4202540, at *2 (D. Nev. Aug. 21, 2014) (granting motion to seal where documents
 18 contained "proprietary, business practice, trade secret, and technical information that could
 19 injure the parties' competitive posture"); *Clark v. Metro. Life Ins. Co.*, No. 08-CV-158, 2010
 20 WL 1006823, at *1 (D. Nev. Mar. 16, 2010) (granting motion to seal materials that would
 21 "bring attention to MetLife's confidential internal business deliberations, organization, and
 22 capabilities").

23 This Court has previously granted motions to file under seal portions of documents
 24 containing this type of confidential information regarding Rimini's internal business processes.
 25 *See, e.g.*, ECF Nos. 226, 325, 518, 904, 990, 1107, 1228, 1250, 1261, 1307; *see also Rimini II*,
 26 No. 14-CV-1699-LRH-DJA, ECF Nos. 627, 1240. Sealing references to Rimini's proprietary
 27 information will not frustrate the public's visibility into the judicial process because Rimini
 28

1 requests the targeted sealing of particularly sensitive information and leaves all other documents
2 unsealed.

3 **II. CONCLUSION**

4 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to file
5 under seal Oracle's Reply and Exhibit A to the Rodriguez Declaration.

6 Dated: August 14, 2020

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9 By: /s/ Eric D. Vandevelde
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